

## Internal Revenue Service, Treasury

## § 157.5891-1

under §1.6696-1 of this chapter will apply.

(b) *Effective/applicability date.* This section is applicable to returns and claims for refund filed, and advice provided, after December 31, 2008.

[T.D. 9436, 73 FR 78462, Dec. 22, 2008]

### § 156.7701-1 Tax return preparer.

(a) *In general.* For the definition of a tax return preparer, see §301.7701-15 of this chapter.

(b) *Effective/applicability date.* This section is applicable to returns and claims for refund filed, and advice provided, after December 31, 2008.

[T.D. 9436, 73 FR 78462, Dec. 22, 2008]

## PART 157—EXCISE TAX ON STRUCTURED SETTLEMENT FACTORING TRANSACTIONS

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157.6696-1 Claims for credit or refund by tax return preparers.

157.7701-1 Tax return preparer.

AUTHORITY: 26 U.S.C. 7805.

Section 157.6001-1 also issued under 26 U.S.C. 6001;

Section 157.6011-1 also issued under 26 U.S.C. 6011;

Section 157.6061-1 also issued under 26 U.S.C. 6061;

Section 157.6071-1 also issued under 26 U.S.C. 6071;

Section 157.6081-1 also issued under 26 U.S.C. 6081(a);

Section 157.6091-1 also issued under 26 U.S.C. 6091;

Section 157.6060-1 also issued under 26 U.S.C. 6060(a);

Section 157.6109-1 also issued under 26 U.S.C. 6109(a);

Section 157.6109-2 also issued under 26 U.S.C. 6109(a);

Section 157.6161-1 also issued under 26 U.S.C. 6161;

Section 157.6695-1 also issued under 26 U.S.C. 6695(b).

SOURCE: T.D. 9134, 69 FR 41193, July 8, 2004, unless otherwise noted.

### Subpart A—Tax on Structured Settlement Factoring Transactions

#### § 157.5891-1 Imposition of excise tax on structured settlement factoring transactions.

(a) *In general.* Section 5891 imposes on any person who acquires, directly or indirectly, structured settlement payment rights in a structured settlement factoring transaction a tax equal to 40 percent of the factoring discount with respect to such factoring transaction.

(b) *Exceptions for certain approved transactions—*(1) *In general.* The excise tax shall not apply to a structured settlement factoring transaction if the transfer of structured settlement payment rights is approved in advance in a qualified order.

(2) *Qualified order dispositive.* A qualified order shall be treated as dispositive for purposes of this exception.

(c) *Definitions—*(1) *Applicable state statute means—*